

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-07-00078

DATE: December 17, 2007

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Electronically Recorded: 10:44:51 - 12:14:25
1:29:28 - 2:47:44
3:14:53 - 4:25:26

CSO: J. Lizama

APPEARANCES:

Defendant: Juan C. Tenorio and Charlene F.
Tenorio

Attorney: Howard Trapp

Present	Custody	Bond	P.R.
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Present	Retained	FPD	CJA
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U.S. Attorney: Marivic P. David

U.S. Agent: K. Klocke, F.B.I.
T. Lee, I.R.S.

U.S. Probation: None Present

U.S. Marshal: G. Perez

Interpreter:

Language:

PROCEEDINGS: Jury Trial

- Day no. 4 of trial.
- Opening statement by the defendant.
- Witnesses sworn and examined; Exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Trial continued to: December 18, 2007 at 1:00 p.m.
- Jurors were instructed to report in by 12:45 p.m. tomorrow.
- Defense's oral Motion for Judgment of Acquittal was denied.

NOTES:

UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

United States of America

EXHIBIT AND WITNESS LIST

V.

Juan C. Tenorio and Charlene F. Tenorio

Case Number: **CR-07-00078-001**

PRESIDING JUDGE Frances M. Tydingco-Gatewood						PLAINTIFF'S ATTORNEY Marvic David	DEFENDANT'S ATTORNEY Howard Trapp
HEARING DATE (S) December 12-14, 2007						COURT REPORTER Wanda Miles	COURTROOM DEPUTY Leilani Toves Hernandez
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						10:06:31 commence trial; jury instructions given	
						Curtis Ching called and sworn	
						DX by Ms. David	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
2		12/12/07	12/12/07	12/12/07		Corporate Bankruptcy Petition (Bates # 224 - 384)	
34		12/12/07	12/12/07	12/12/07		Articles of Incorporation & Bylaws of Juan C. Tenorio & Associates, Inc. (Bates # 903 - 930)	
						<i>10:56:42 - 11:07:41 Recess</i>	
						11:49:15 End DX	
						<i>11:50:05 - 1:16:18 Lunch Break</i>	
						CX by Mr. Trapp	
						1:29:46 End CX	
						Re-DX by Ms. David	
1	12/12/07	12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
						1:42:34 Witness excused	
						Vicente Mendiola Calvo, called and sworn	
						DX by Ms. David	
27	12/12/07	12/12/07	12/12/07	12/12/07		Warranty Deed executed by Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #001-003, 007)	
28	12/12/07	12/12/07	12/12/07	12/12/07		Promissory Note executed by Juan Cruz Tenorio in favor of Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #006)	
29	12/12/07	12/12/07	12/12/07	12/12/07		Check Payments to Vincent Calvo by Juan C. Tenorio (Bates #814 -821)	
						2:05:15 End DX	
						CX by Mr. Trapp	
27	12/12/07	12/12/07	12/12/07	12/12/07		Warranty Deed executed by Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #001-003, 007)	
						2:09:20 End CX; no further examination - witness excused	
						Richard B. Carrol, called and sworn	
						DX by Ms. David	
25	12/12/07	12/12/07	12/12/07	12/12/07		Charlene Tenorio Facsimile to Knights of Columbus dtd 5/18/01 (Bates #215-216)	
26	12/12/07	12/12/07	12/12/07	12/12/07		Knights of Columbus Letters re: Policy No. XX4940, XX9817, and XX 7033, dtd 5/24/01 (Bates # 217-220)	
33	12/12/07	12/12/07	12/12/07	12/12/07		Juan C. Tenorio Facsimiles to Knights of Columbus Loan Department dtd 6/18/03 & 9/2/03	
						2:26:05 End DX; no further examination - witness excused	
						<i>2:28:30 - 2:48:57 Recess</i>	
						Merced M. Tomokane, called and sworn	

PRESIDING JUDGE Frances M. Tydingco-Gatewood						PLAINTIFF'S ATTORNEY Marvic David	DEFENDANT'S ATTORNEY Howard Trapp
HEARING DATE (S) December 12-14, 2007						COURT REPORTER Wanda Miles	COURTROOM DEPUTY Leilani Toves Hernandez
						DESCRIPTION OF EXHIBITS* AND WITNESSES	
						DX by Ms. David	
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED		
	4		12/12/07	12/12/07	12/12/07	BOG Deposit Agreement & Signature Card, Account # XXXXXX5479 (Bates # 805 - 806)	
	5		12/12/07	12/12/07	12/12/07	BOG Account # XXXXX5479 Statements and Deposit Items (Bates # 595 - 636, 807-808)	
	6		12/12/07	12/12/07	12/12/07	BOG Account # XXXXX5886 Statements (Bates # 637-664)	
	7		12/12/07	12/12/07	12/12/07	BOG Promissory Note dtd 1/12/99 (Bates # 541 - 544)	
	8		12/12/07	12/12/07	12/12/07	BOG Loan Payment Records (Bates # 521-540, 545-592, 777-804)	
	9		12/12/07	12/12/07	12/12/07	BOG Personal Financial Statement (Bates # 24-745)	
	10		12/12/07	12/12/07	12/12/07	BOG Personal Financial Statement dtd 6/30/02 (Bates # 746, 748)	
	11		12/12/07	12/12/07	12/12/07	BOG Personal Financial Statement dtd 9/28/01 (Bates # 749-752)	
	12		12/12/07	12/12/07	12/12/07	BOG Account Statement and Deposit Items (Bates #202-205, 690, 822-823)	
						3:31:41 End DX	
						CX by Mr. Trapp	
	7		12/12/07	12/12/07	12/12/07	BOG Promissory Note dtd 1/12/99 (Bates # 541 - 544)	
						3:33:33 End CX; no further examination - witness excused	
						3:50:39 END DAY 2	
						9:25:56 BEGIN DAY 3	
						Alfred Yue, called and sworn	
						DX by Ms. David	
	13		12/13/07	12/13/07	12/13/07	Hong Kong Entertainment (Overseas) Investments Ltd. Contract dtd 3/25/96 (Bates #385-395)	
	14		12/13/07	12/13/07	12/13/07	Hong Kong Entertainment (Overseas) Investments Ltd. Contract Amended dtd 11/19/96 (Bates #396-398)	
	15		12/13/07	12/13/07	12/13/07	Hong Kong Entertainment (Overseas) Investments Ltd. Contract Amendment dtd 8/7/97 (Bates #491-492)	
	16		12/13/07	12/13/07	12/13/07	Juan C. Tenorio & Associates, Inc. Request for Payment dtd 4/15/99 (Bates # 493)	
	17		12/13/07	12/13/07	12/13/07	Tinian Dynasty Letter dtd 2/24/00, re: Payment for Balance of. Contract (Bates # 498)	
						9:53:43 End DX	
						CX by Mr. Trapp	
	15		12/13/07	12/13/07	12/13/07	Hong Kong Entertainment (Overseas) Investments Ltd. Contract Amendment dtd 8/7/97 (Bates #491-492)	
						9:55:23 End CX; Re-DX by Ms. David	
	15		12/13/07	12/13/07	12/13/07	Hong Kong Entertainment (Overseas) Investments Ltd. Contract Amendment dtd 8/7/97 (Bates #491-492)	
	16		12/13/07	12/13/07	12/13/07	Juan C. Tenorio & Associates, Inc. Request for Payment dtd 4/15/99 (Bates # 493)	
						9:57:30 End Re-DX	
						No further examination; witness excused	
						Raymond Chan, called and sworn	
						DX by Ms. David	
	18		12/13/07	12/13/07	12/13/07	Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 1/4/01 (Bates # 499)	
	19		12/13/07	12/13/07	12/13/07	Tinian Dynasty Hotel & Casino Account Reconciliation dtd 1/31/00 (Bates # 495)	
	20		12/13/07	12/13/07	12/13/07	Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 1/29/01 (Bates # 494)	
	21		12/13/07	12/13/07	12/13/07	Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 3/15/02 (Bates # 497)	

PRESIDING JUDGE Frances M. Tydingco-Gatewood						PLAINTIFF'S ATTORNEY Marvic David	DEFENDANT'S ATTORNEY Howard Trapp
HEARING DATE (S) December 12-14, 2007				COURT REPORTER Wanda Miles		COURTROOM DEPUTY Leilani Toves Hernandez	
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
	22		12/13/07	12/13/07	12/13/07	Tinian Dynasty Hotel & Casino Schedule of Payment dtd 8/31/02 (Bates #496)	
	23		12/13/07	12/13/07	12/13/07	Tinian Dynasty Hotel & Casino Negotiated Checks (Bates # 665-689, 691-705) and Wire Transfer Receipts from Dao Heng Bank Ltd. (Bates #405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445)	
						10:32:03 End DX; no further examination	
						witness excused	
						<i>10:33:30 - 10:49:43 Recess</i>	
						Robert Joseph Steffy, called and sworn	
						DX by Ms. David	
30		12/13/07	12/13/07			One (1) Audio Cassette [341(a) Meeting of 4/16/02]	
30a		12/13/07	12/13/07			Transcript of 341(a) Meeting of 4/16/02	
30b		12/13/07	12/13/07	12/13/07		One (1) Compact Disc containing digital audio excerpt of the 341(a) Meeting of 4/16/02	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
	23		12/13/07	12/13/07	12/13/07	Tinian Dynasty Hotel & Casino Negotiated Checks (Bates # 665-689, 691-705) and Wire Transfer Receipts from Dao Heng Bank Ltd. (Bates #405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445)	
27		12/12/07	12/12/07	12/12/07		Warranty Deed executed by Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #001-003, 007)	
28		12/12/07	12/12/07	12/12/07		Promissory Note executed by Juan Cruz Tenorio in favor of Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #006)	
						11:18:50 End DX	
						CX by Mr. Trapp	
						11:19:58 End CX; no further examination	
						witness excused	
						Tai K. Lee, called and sworn	
						DX by Ms. David	
32		12/13/07	12/13/07	12/13/07		Summary Chart re: Payments from Tinian Dynasty Hotel & Casino	
32a		12/13/07	12/13/07	12/13/07		Summary Chart Documents	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
						<i>11:47:00 - 1:10:44 Lunch Break</i>	
						Curtis Ching recalled to the stand	
						DX by Ms. David	
27		12/12/07	12/12/07	12/12/07		Warranty Deed executed by Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #001-003, 007)	
28		12/12/07	12/12/07	12/12/07		Promissory Note executed by Juan Cruz Tenorio in favor of Vincent M. Calvo and Salomae H. Calvo dtd 9/4/96 (Bates #006)	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
26		12/12/07	12/12/07	12/12/07		Knights of Columbus Letters re: Policy No. XX4940, XX9817, and XX 7033, dtd 5/24/01 (Bates # 217-220)	
17		12/13/07	12/13/07	12/13/07		Tinian Dynasty Letter dtd 2/24/00, re: Payment for Balance of. Contract (Bates # 498)	
18		12/13/07	12/13/07	12/13/07		Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 1/4/01 (Bates # 499)	
10		12/12/07	12/12/07	12/12/07		BOG Personal Financial Statement dtd 6/30/02 (Bates # 746, 748)	
9		12/12/07	12/12/07	12/12/07		BOG Personal Financial Statement (Bates # 24-745)	
32		12/13/07	12/13/07	12/13/07		Summary Chart re: Payments from Tinian Dynasty Hotel & Casino	
						2:33:15 End DX	

PRESIDING JUDGE Frances M. Tydingco-Gatewood						PLAINTIFF'S ATTORNEY Marvic David	DEFENDANT'S ATTORNEY Howard Trapp
HEARING DATE (S) December 12-14, 2007						COURT REPORTER Wanda Miles	COURTROOM DEPUTY Leilani Toves Hernandez
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						CX by Mr. Trapp	
						2:39:52 End CX	
						Re-DX by Ms. David	
17		12/13/07	12/13/07	12/13/07		Tinian Dynasty Letter dtd 2/24/00, re: Payment for Balance of Contract (Bates # 498)	
						2:41:42 End Re-DX; no further examination	
						witness excused	
						2:43:43 GOVERNMENT RESTED	
						<i>Court and parties discuss jury instructions</i>	
						4:31:23 END DAY 3	
						10:44:51 BEGIN DAY 4	
						Opening Statement by Mr. Trapp	
						Juan Cruz Tenorio, called and sworn	
						DX by Mr. Trapp	
						11:04:29 End DX	
						CX by Ms. David	
12		12/12/07	12/12/07	12/12/07		BOG Account Statement and Deposit Items (Bates #202-205, 690, 822-823)	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
10		12/12/07	12/12/07	12/12/07		BOG Personal Financial Statement dtd 6/30/02 (Bates # 746, 748)	
9		12/12/07	12/12/07	12/12/07		BOG Personal Financial Statement (Bates # 24-745)	
18		12/13/07	12/13/07	12/13/07		Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 1/4/01 (Bates # 499)	
6		12/12/07	12/12/07	12/12/07		BOG Account # XXXXX5886 Statements (Bates # 637-664)	
21		12/13/07	12/13/07	12/13/07		Juan C. Tenorio & Associates Facsimile to Raymond Chan dtd 3/15/02 (Bates # 497)	
32		12/13/07	12/13/07	12/13/07		Summary Chart re: Payments from Tinian Dynasty Hotel & Casino	
32a		12/13/07	12/13/07	12/13/07		Summary Chart Documents	
4		12/12/07	12/12/07	12/12/07		BOG Deposit Agreement & Signature Card, Account # XXXXXX5479 (Bates # 805 - 806)	
23		12/13/07	12/13/07	12/13/07		Tinian Dynasty Hotel & Casino Negotiated Checks (Bates # 665-689, 691-705) and Wire Transfer Receipts from Dao Heng Bank Ltd. (Bates #405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445)	
30b		12/13/07	12/13/07	12/13/07		One (1) Compact Disc containing digital audio excerpt of the 341(a) Meeting of 4/16/02	
						12:11:40 End CX	
						Re-DX by Mr. Trapp	
						12:12:07 - End Re-DX	
						Re-CX by Ms. David	
						12:13:23 End Re-DX	
						12:14:25 - 1:29:28 Lunch Break	
						Charlene Frances Tenorio, called and sworn	
						DX by Mr. Trapp	
						1:51:29 End DX	
						CX by Ms. David	
25		12/12/07	12/12/07	12/12/07		Charlene Tenorio Facsimile to Knights of Columbus dtd 5/18/01 (Bates #215-216)	
26		12/12/07	12/12/07	12/12/07		Knights of Columbus Letters re: Policy No. XX4940, XX9817, and XX 7033, dtd 5/24/01 (Bates # 217-220)	
1		12/12/07	12/12/07	12/12/07		Individual Bankruptcy Petition (Bates # 008 - 201)	
						2:37:39 End CX; no further examination	
						witness excused	

